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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,777	05/04/2001	Rodney J. Kempkes	PAT-007	9890
29129	7590	09/11/2007		
MICHELLE A. ZARINELLI C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68154			EXAMINER POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			09/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/849,777	<b>Applicant(s)</b> KEMPKE ET AL.	
	<b>Examiner</b> Frantzy Poinvil	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/2007 has been entered.
2. Claims 4-36 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Risafi et al (US Patent No. 6,473,500).

As per claims 4 and 36, Rasafi et al disclose the invention as claimed. Particularly, Risafi et al disclose a system and method for selling and using a prepaid card. In so doing, Risafi et al disclose a method of settling a micropayment transaction conducted between a consumer and a

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merchant using a prepaid instrument or prepaid card presented by a consumer, the method comprising the steps of:

receiving a request from the merchant to authorize a proposed micropayment transaction for a first value to be settled against the prepaid instrument;

processing the request;

responding to the request with an authorization decision; and

dispositioning the proposed micropayment transaction based on value units associated with a specific merchant ID, a monetary conversion rate for the value units, and a commission due the merchant for selling the value units.

Applicant is directed to column 16, lines 33-64 and column 10, lines 46-55. It should be noted that an agent may also be a seller of the prepaid card.

As per claim 5, Rasafi et al disclose wherein the step of receiving a request includes receiving data including at least a prepaid instrument number and a PIN associated with the prepaid instrument. See column 16, lines 33-49 and column 6, line 65 to column 7, line 18.

As per claim 6, Rasafi et al disclose the step of receiving a request includes receiving a request to authorize a proposed micropayment transaction for a first value to be settled against a prepaid calling card. See also column 16, lines 16-69.

As per claim 7, Rasafi et al disclose the step of processing the request includes accessing a database to retrieve the value remaining parameter, using the data from the prepaid instrument as an index into the database, and comparing the value provided by the merchant to the value remaining parameter to determine whether to authorize the micropayment transaction for settlement. see column 16, lines 50-64.

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As per claim 8, Rasafi et al disclose the step of processing includes determining that the value remaining parameter is sufficient to authorize the micropayment transaction for settlement. See column 16, lines 33-64.

As per claim 9, Rasafi et al disclose the step of responding includes one of authorizing the proposed micropayment transaction for settlement and declining the proposed micropayment transaction for settlement. See column 16, line 50 to column 17, line 8.

As per claim 10, Rasafi et al disclose the step of dispositioning the micropayment transaction includes decrementing the value remaining parameter according to the first value, and transferring a payment to the merchant to settle the micropayment transaction. See column 17, lines 30-69 and column 6, line 65 to column 7, line 10.

As per claim 11, Rasafi et al disclose the step of processing includes determining that the value remaining parameter is insufficient to authorize the micropayment transaction for settlement. See column 16, line 33 to column 17, line 8.

As per claim 12, Rasafi et al disclose the step of dispositioning the micropayment transaction includes terminating the micropayment transaction. See column 16, line 50 to column 17, line 8.

As per claim 13, Rasafi et al disclose the step of dispositioning the micropayment transaction includes, after the micropayment transaction has been declined for settlement, enabling the consumer to perform one of: increasing the value remaining parameter, and purchasing a second prepaid instrument having a second value remaining parameter greater than the first value. See column 16, line 33 to column 17, line 8.

As per claim 14, Rasafi et al disclose the step of enabling is performed by software hosted on a merchant website. See column 10, lines 49-67 and column 16, lines 33-67.

As per claim 15, Rasafi et al disclose the step of enabling is performed by software hosted by a settlement clearinghouse. See column 10. lines 49-67.

As per claims 16-35, applicant is directed to column 10, lines 32-67, column 11, lines 1-28 and column 16, line 33 to column 17, line 49 of Rasafi et al.


### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3692**

August 28, 2007